

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-282

IN THE MATTER Of an appeal pursuant to clause 14 of
the First Schedule of the Resource
Management Act 1991

BETWEEN **TUSSOCK TOP FARMS LTD**
Appellant

AND **DUNEDIN CITY COUNCIL**
Respondent

PARTIAL WITHDRAWAL OF APPEAL AND 274 NOTICE

DCC Appeal Point Reference: 304, 305, 389

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor on record: Derek McLachlan
Solicitor to contact: Derek McLachlan
P O Box 143, Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564
Email: derek.mclachlan@gallawaycookallan.co.nz

May it please the Court:

1. Counsel acts for Tussock Top Farms Limited:

(a) ENV-2018-CHC-282 *Tussock Top Farms Limited v Dunedin City Council*.

Partial Withdrawal of Appeal

2. The Appellant participated in Environment Court mediation on 25- 26 August and 30 September in relation to Mining/Manawhenua and Landscape provisions. The mediation was successful and resulted in a Consent Memorandum dated 30 September 2020 being signed by the parties to that mediation. As a result, the Appellant no longer wishes to pursue the following relief (DCC appeal point references):

304	Amendment to Policy 10.2.1.1, so that effects of activities (including mining) on biodiversity values are avoided, remedied or mitigated;
305	Seek changes to policies that apply to mining in coastal character overlay zones, to take a more enabling approach to this activity; and
389	Seek changes to activity status so that mining is discretionary rather prohibited in ONCCs and HNCCs.

3. Appeal points 304, 305 and 389 are set down for Environment Court Mediation Group 2c on 13 -16 October 2020.
4. We note that Appeal point 387 has also been set down for mediation on 13-16 October 2020, which relates to:

387	Amendments to strategic policies for mining, to refer to management of the residual environmental effects of mining activities via offsetting and environmental compensation.
-----	---

5. The Appellant wishes to retain appeal point 387 (which relates to Policy 2.3.1.8). The Consent Memorandum dated 30 September 2020 also addresses Policy 2.3.1.8, and has resolved the Appellant's concerns relating to this policy. While no additional relief is being sought, the appeal needs to remain on foot to provide scope for amendments made to Policy 2.3.1.8 within the Consent Memorandum dated 30 September 2020. The parties to appeal point 387 are the same as the parties who are signatories to the Consent Memorandum dated 30 September 2020.

Withdrawal of 274 Notice

6. Additionally, the Appellant wishes to withdraw their entire 274 party interest in the follow appeal:

(a) *Royal Forest and Bird Protection Society of New Zealand Incorporated* ENV-2018-CHC-287.

7. The withdrawal of appeal points identified above, and the 274 Notice was discussed with the parties at mediation on 13 October 2020. The parties confirmed that there were no issues as to costs resulting from these withdrawals.



.....

Derek McLachlan

Counsel for the Appellant

Dated this 13 day of October 2020